

**AFFIDAVIT OF SPECIAL AGENT JACQUEEN CUNNINGHAM IN SUPPORT OF  
APPLICATION FOR A CRIMINAL COMPLAINT**

I, Jacqueen Cunningham, having been duly sworn, do hereby depose and state as follows:

**Agent Background**

1. I am a Special Agent with Homeland Security Investigations (“HSI”) and have been so employed since June 2010. I have successfully completed a training program in conducting criminal investigations at the Federal Law Enforcement Training Center in Brunswick, Georgia. In 2007, I graduated from Sacred Heart University with a Bachelor of Science degree in Criminal Justice. My current assignment as an HSI Special Agent includes conducting and participating in investigations involving the fraudulent acquisition, production, and misuse of United States immigration documents, United States passports, and various identity documents. Due to my training and experience as well as conversations with other law enforcement officers, I am familiar with the methods, routines, and practices of document counterfeiters, vendors, and persons who fraudulently obtain or assume false identities.

2. I am also a member of HSI’s Document and Benefit Fraud Task Force (“DBFTF”), a specialized field investigative group comprised of personnel from various local, state, and federal agencies with expertise in detecting, deterring, and disrupting organizations and individuals involved in various types of document, identity, and benefit fraud schemes. The DBFTF is currently investigating suspected aliens, who are believed to have obtained stolen identities of United States citizens born in Puerto Rico. Many of these individuals have used the identities to obtain public benefits which they would not otherwise be eligible to receive, including Massachusetts Registry of Motor Vehicles (“RMV”) identity documents, social security numbers, and Medicaid, and to engage in suspicious financial transactions, including transferring funds.

**Purpose of Affidavit**

3. I submit this affidavit in support of an application for a criminal complaint charging Starling AYBAR ALCANTARA with (1) false representation of a Social Security Number, in violation of 42 U.S.C. § 408(a)(7)(B), and (2) Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A.

4. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers and federal agents, and my review of records described herein. This affidavit is not intended to set forth all of the information that I have learned during this investigation but includes only the information necessary to establish probable cause for the requested complaint and search warrant.

**Probable Cause**

**The RMV Application**

5. On October 16, 2015, a man appeared in person at the Braintree branch of the Massachusetts Registry of Motor Vehicles (“RMV”), and submitted an application for the issuance of a Massachusetts Identification Card. The applicant represented on the application that he was a person whose initials were C.M.M.<sup>1</sup> He further represented that his date of birth was xx/xx/1981 and that his Social Security Number (“SSN”) was xxx-xx-4563. The RMV took a photograph of the applicant on October 16, 2015, and that photograph is stored in the RMV’s computer database. The individual purporting to be C.M.M. signed the application under penalty of perjury. As a result of that application, the RMV issued the person purporting to be C.M.M. Massachusetts Identification Card no. Sxxxxx0175.

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<sup>1</sup> The identity of the victim, C.M.M.R, is known to the Government. These initials represent the victim’s first, middle, paternal last name and maternal last name. In order to protect the victim’s privacy, only the initials “C.M.,” “C.M.M.,” and “C.M.M.R.” are used in this affidavit to reflect the variations of the victim’s full name that were used by AYBAR ALCANTARA.

6. The RMV file that contained the October 16, 2015 application also contains the following identification documents: (a) a social security card issued on August 10, 2015 bearing the name C.M.M. and SSN xxx-xx-4563; (b) a birth certificate from Puerto Rico bearing the name C.M.M.R. and a date of birth of xx/xx/1981 and (c) a residential lease in the name of C.M.M. for an apartment in Lawrence, MA. Additionally, on the October 16, 2015 application, the person purporting to be C.M.M. represented that he was a United States Citizen.

#### **Confirmation of a Valid Social Security Number**

7. The Social Security Administration (“SSA”), Office of Inspector General has confirmed that SSN xxx-xx-4563 is assigned to an individual named C.M.M.

#### **Identification of the Imposter**

8. On January 16, 2020, Topsfield Police arrested a man purporting to be both C.M. and AYBAR ALCANTARA on an outstanding warrant in the name of C.M.M. During the arrest, AYBAR ALCANTARA stated to officers that his name was Starling AYBAR ALCANTARA. Officers subsequently found Dominican Cedula Number 003-xxxxx76-6 and a Dominican Republic driver’s license in the name of Starling AYBAR ALCANTARA in AYBAR ALCANTARA’s wallet. The documents identified AYBAR ALCANTARA as being born in 1986 in Bani, Dominican Republic. Officers informed DBFTF agents that AYBAR ALCANTARA also identified himself as C.M. during the traffic stop.

9. On January 16, 2020, DBFTF agents interviewed the man purporting to be both AYBAR ALCANTARA and C.M. at the Middleton House of Corrections. Upon contact, AYBAR ALCANTARA informed agents that his name was C.M. After having his Miranda rights read to him in the Spanish language, AYBAR ALCANTARA agreed to speak with agents. When signing the Miranda form, AYBAR ALCANTARA asked agents which name he should

sign the form with. Agents informed AYBAR ALCANTARA to sign the form in his true identity, to which he admitted his real identity was AYBAR ALCANTARA and born in the Dominican Republic in 1986. DBFTF agents photographed AYBAR ALCANTARA at the conclusion of the interview who was wearing a mechanic's shirt with the same first name as C.M. on a name patch on his chest.

10. I have compared the following three photographs: (a) the October 16, 2015 photograph from the RMV database mentioned in paragraph 5 of the applicant purporting to be C.M.M.; (b) the photograph from Cedula No. 003-xxxx376-6 in the name of AYBAR ALCANTARA and (c) the January 16, 2020 photograph taken by DBFTF agents of the man who admitted to being AYBAR ALCANTARA. I conclude these three photographs all appear to depict the same person.

11. DBFTF agents obtained the historical photographs of the criminal history of C.M.M.R. from the Puerto Rico Police Department (PRPD). According to the PRPD, that person has a date of birth of xx/xx/1982<sup>2</sup>, is assigned SSN xxx-xx-4563 and lives in Bayamon, Puerto Rico. I have examined the photographs associated with that criminal record and conclude that the male depicted in the photographs is not the same as the male depicted in the three photographs described in paragraph 10, above.

### **Conclusion**

12. Based on the foregoing, I have probable cause to believe that, on or about October 16, 2015, Starling AYBAR ALCANTARA (1) falsely represented, with intent to deceive and for any purpose, a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number

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<sup>2</sup> The criminal record of C.M.M.R. in Puerto Rico has a listed date of birth of xx/xx/1981 and xx/xx/1982, however the month and date match the date of birth provided by the purported C.M.M. on the RMV application.

assigned by the Commissioner of Social Security to him, all in violation of 42 U.S.C.

§ 408(a)(7)(B); and (2) knowingly transferred, possessed and used, during and in relation to any felony violation enumerated in 18 U.S.C. 1028A(c), and without lawful authority, a means of identification of another person in violation of 18 U.S.C. § 1028A.

Sworn to under the pains and penalties of perjury.

  
Jacquelyn Cunningham  
Special Agent  
HOMELAND SECURITY INVESTIGATIONS

Subscribed and sworn before me on January 17, 2020

  
HON. MARIANNA B. BOARDMAN  
United States Magistrate Judge  
